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In re Application of

:
Chia Mu Shao

:
Application No. 09/973,285

Filed: October 19, 2001

Attorney Docket No. 1221.65863

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OFFICE OF PETITIONS

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 26, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely response to the final Office action mailed August 1, 2003. The final Office action set a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on November 2, 2003. A Notice of Abandonment was mailed on April 16, 2004.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply form the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office.

The Request for Continued Examination filed July 26, 2005, is noted.

The application file is being forwarded to Technology Center 3700, GAO 3713 for further processing.

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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

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